

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

**NATIONAL RIFLE ASSOCIATION OF
AMERICA,**

Plaintiff,

v.

**ANDREW CUOMO, both individually and in
his official capacity; MARIA T. VULLO, both
individually and in her official capacity; and
THE NEW YORK STATE DEPARTMENT
OF FINANCIAL SERVICES,**

Defendants.

NO. 18-CV-00566-TJM-CFH

**THE NATIONAL RIFLE ASSOCIATION OF AMERICA’S
RENEWED MOTION FOR THE ISSUANCE OF LETTERS OF REQUEST**

Plaintiff National Rifle Association of America (“NRA”), by its undersigned counsel of record, hereby renews its motion¹ (the “Motion”) pursuant to the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (“Hague Evidence Convention”), 28 U.S.C. § 1781, Rule 28 of the Federal Rules of Civil Procedure, and the Evidence (Proceedings in Other Jurisdictions) Act 1975 c. 34, for the Court to issue Letters of Request for International Judicial Assistance to compel the production of documents by the Corporation of Lloyd’s (“Lloyd’s”), AmTrust Syndicates Limited, Argo Managing Agency Limited, Atrium Underwriters Limited, Brit Syndicates Limited, Canopus Managing Agents Limited, Chaucer Syndicates Limited, Liberty Managing Agents Limited, S.A. Meacock & Company Limited, Tokio Marine Kiln Syndicates Limited (collectively, the “Managing Agents”) and the deposition of the

¹ ECF No. 246.

following individuals: Inga Beale; Mark Cloutier; Jon Hancock; Charles Franks; and a representative from each of the Managing Agents.

In its March 6, 2020 Decision and Order, this Court denied the NRA's first motion for issuance of Letters of Request without prejudice to renewing it in the event that (i) Judge McAvoy issue a determination on the NRA's appeal of this Court's Order dated August 8, 2019² that made different relevancy determinations, and/or (ii) the NRA were permitted to amend its complaint.³ On March 31, 2020, Judge McAvoy granted the NRA's appeal.⁴ On August 11, 2020, this Court granted the NRA's request to renew the Motion.⁵ Accordingly, the NRA filed its renewed motion on August 17, 2020.⁶

On March 15, 2021, Judge McAvoy issued a Decision and Order⁷ (1) denying Vullo's motion to dismiss the NRA's First Amendment claims; (2) granting Vullo's motion appealing Magistrate Judge Hummel's decision granting leave to amend the NRA's selective enforcement claim; and (3) dismissing the First Amendment claims for injunctive and declaratory relief against DFS, and Cuomo and Lacewell in their official capacities. On March 22, 2021, Judge McAvoy issued a Decision and Order, granting Defendants' motion for reconsideration and vacated his March 31, 2020 Order.⁸ Judge McAvoy remanded the case to Magistrate Judge Hummel to make new determinations on the NRA's discovery demands.⁹

² ECF No. 121.

³ ECF No. 181 at 7.

⁴ ECF No. 188.

⁵ ECF No. 241.

⁶ ECF No. 246.

⁷ ECF No. 322.

⁸ ECF No. 188.

⁹ ECF No. 324.

On March 26, 2021, this Court held a discovery hearing. In light of Judge McAvoy's rulings on Defendants' motions to dismiss and motion for reconsideration, the Court denied the NRA's renewed motion for issuance of Letters of Request without prejudice, and directed the NRA to file a renewed motion for Issuance of Letters of Request in accordance with Judge McAvoy's March 15 Order and March 22 Order.¹⁰ Thus, the NRA hereby renews its motion in accordance with this Court's direction.

In support of its renewed motion, the NRA relies on the Declaration of Sarah B. Rogers, dated April 2, 2021, together with the exhibits annexed thereto and the accompanying memorandum of law, all other pleadings and papers on file in this action, any matters of which this Court may take judicial notice, and such further evidence and argument as may be presented at or before the hearing on this matter.

¹⁰ ECF No. 328.

Date: April 2, 2021

Respectfully submitted,

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**ATTORNEYS FOR THE NATIONAL
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CERTIFICATE OF SERVICE

I certify that on April 2, 2021, I caused a copy of the foregoing to be served upon the following counsel electronically through the ECF system:

William A. Scott
Assistant Attorney General, Of Counsel
New York State Attorney General's Office
Albany Office
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/s/ Sarah B. Rogers

Sarah B. Rogers